

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

T1 PAYMENTS LLC, a Nevada limited  
liability company,

Plaintiff,

v.

NEW U LIFE CORPORATION, a California  
corporation,

Defendant.

CASE NO.: 2:19-cv-01816-ART-DJA

**ORDER APPROVING  
JOINT STIPULATION TO EXTEND  
BRIEFING SCHEDULE ON PAYVISION  
B.V.'S MOTION TO DISMISS SECOND  
AMENDED COUNTERCLAIM  
(ECF No. 239)**

**(Second Request)**

Current Opposition Date: June 11, 2022  
Requested Opposition Date: July 18, 2022

Current Reply Date: July 25, 2022 Requested  
Reply Date: August 1, 2022

AND RELATED COUNTERCLAIM

Pursuant to Local Rule IA 6-1, Defendant and Counterclaimant New U Life Corporation (“New U Life”) and Counterclaim Defendant Payvision B.V. (“Payvision”) (collectively, the “Stipulating Parties”) jointly request that the Court extend the briefing schedule on Payvision’s

1 Motion to Dismiss Second Amended Counterclaim (ECF No. 239) by one week. The extension is  
 2 needed due to allow Payvision to complete its production of jurisdictional discovery documents.

### 3 I. PROCEDURAL BACKGROUND

4 On January 21, 2022, the Court issued its Order: (1) denying Payvision's motion to dismiss  
 5 New U Life's counterclaims against it for lack of personal jurisdiction and *forum non conveniens*;  
 6 (2) granting Payvision's motion to dismiss for failure to state a claim with leave to amend; and (3)  
 7 granting in part the T1 Parties' motions to dismiss with leave to amend. ECF No. 194.

8 The Court opened a jurisdictional discovery<sup>1</sup> period as to Payvision, and ordered that within  
 9 30 days after jurisdictional discovery closes, Payvision may move to dismiss for lack of personal  
 10 jurisdiction and *forum non conveniens*. *Id.* at 30. The Court further ordered that New U Life may  
 11 file a Second Amended Counterclaim ("SACC") by February 18, 2022. *Id.* On March 28, 2022, the  
 12 Court extended the jurisdictional discovery deadline and filing deadlines for New U Life's SACC  
 13 and the Counterclaim Defendants' responses to the SACC to accommodate the schedules of two  
 14 deponents. ECF No. 211.

15 On May 12, 2022, New U Life filed its SACC. ECF No. 215. On June 13, 2022, Payvision  
 16 filed its Motion to Dismiss the SACC based on personal jurisdiction and other grounds. ECF No.  
 17 239.

18 On June 23, 2022, the Court granted the prior stipulation between Payvision and New U  
 19 Life to extend the briefing schedule for Payvision's Motion to Dismiss by approximately two weeks  
 20 to allow Payvision to produce two remaining items of jurisdictional discovery: documents extracted  
 21 from Payvision's customer relationship management (CRM) system, and written answers to three  
 22 disputed deposition questions. ECF No. 251. Production of the jurisdictional discovery was delayed  
 23 for two reasons: (1) Payvision's corporate representative was hospitalized; and (2) the law firm of  
 24 Payvision's lead counsel has suffered an outage of its computer network, telephone, and email  
 25 systems. *See* Declaration of Giorgio A. Sassine previously filed as ECF No. 247-1.

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 28 <sup>1</sup> In an Order dated July 7, 2021, the Court ordered discovery against Payvision stayed. (ECF No. 148). Except for the jurisdictional discovery permitted by its January 21, 2022 Order (ECF No. 194) the Court's July 7, 2021 Order remains in full force and effect.

1                   **II. THE PARTIES HAVE COMPLETED THE FOLLOWING**  
 2                   **JURISDICTIONAL DISCOVERY**

3           The Stipulating Parties have been diligent in pursuing jurisdictional discovery. New U Life  
 4 served written jurisdictional discovery requests upon Payvision, and Payvision has produced  
 5 responses and documents. New U Life took the deposition of Maria Alida Johanna Ruijters  
 6 Terpstra, Payvision's Rule 30(b)(6) representative on certain jurisdictional topics. New U Life also  
 7 took the deposition of former U.S. Payvision employee, Joe Emig.

8           Following Payvision's initial document production and the depositions, counsel for the  
 9 Stipulating Parties met and conferred regarding several discovery disputes including: (1) certain  
 10 documents within Payvision's production that had been extracted from Payvision's CRM system  
 11 in incomplete form with missing headers, and (2) three questions that Ms. Terpstra had been  
 12 instructed not to answer at her deposition. Counsel for the Stipulating Parties met and conferred by  
 13 telephone to resolve the disputes. As to the CRM document issue, Payvision agreed to escalate the  
 14 issue to its software developers to try to work out a solution to extract the documents. As to the  
 15 instructions not to answer, the Parties discussed having Ms. Terpstra answer the three questions in  
 16 written form as a compromise.

17           On June 29, 2022, Payvision produced written answers to the disputed deposition questions.  
 18 On July 5, 2022, it produced a verification of its answers.

19                   **III. JURISDICTIONAL DISCOVERY TO BE COMPLETED**

20           Payvision has not yet been able to produce the extracted documents, which have been  
 21 delayed due to factors outside its control. First, on May 5, 2022, counsel for Payvision informed  
 22 New U Life that its client representative, Ms. Terpstra, was hospitalized. Then, Payvision's counsel  
 23 informed New U Life that beginning on June 17, 2022, their law firm Musick Peeler & Garrett LLP  
 24 began experiencing a network interruption that resulted in outages of its computer, telephone, and  
 25 email systems.

26           As a result of these problems, Payvision's production of documents from its CRM system  
 27 has been delayed. Payvision represents that it is currently working on extracting the documents,  
 28 and hopes to produce them soon. Payvision offered to extend the briefing deadlines for its Motion

1 to Dismiss by an additional week in order to allow time for Payvision to produce the documents  
2 before New U Life's opposition is due.

3 **IV. GOOD CAUSE EXISTS TO EXTEND THE BRIEFING SCHEDULE**

4 Granting an additional one-week extension of the opposition deadline would allow  
5 Payvision additional time to produce the remaining jurisdictional discovery so that New U Life will  
6 be able to use it in its opposition. The Stipulating Parties have diligently pursued discovery and  
7 worked together cooperatively to resolve disputes. Payvision's document production was delayed  
8 due to reasons outside the Stipulating Parties' control. The extension will avoid the need to file any  
9 motions to supplement based on the new discovery. The Stipulating Parties agree that the extension  
10 is in the best interest of all parties and judicial efficiency.

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1 Accordingly, and for good cause shown, the Stipulating Parties respectfully request that the  
2 Court grant the following extensions to the briefing schedule:

	<u>Current date:</u>	<u>New date:</u>
3 New U Life's Opposition:	July 11, 2022	July 18, 2022
4 Payvision's Reply:	July 25, 2022	August 1, 2022

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7 Date: July 6, 2022

Respectfully submitted,

8  
9 By: /s/ Brianna Dahlberg

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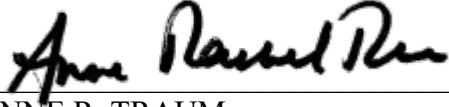
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14  
15 /s/ Giorgio A. Sassine

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21 IT IS SO ORDERED:

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24 ANNE R. TRAUM  
25 UNITED STATES DISTRICT JUDGE

26 DATED: July 7, 2022